

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE:

**YURIEL ESTEBAN CROS VAZQUEZ
BETZABE MONTEJOS REYES
DEBTOR(S)**

CASE NUMBER: 07-07062 (SEK)

CHAPTER 13 ASSET CASE)

DEBTOR'S MOTION UNDER SECTION 1329 OF THE BANKRUPTCY CODE

THE HONORABLE COURT:

COMES NOW, Debtor (s) through the undersigned attorney and respectfully ALLEGES and PRAYS:

1. That debtor (s) filed and circulated a MODIFIED PLAN to all parties in interest.

2. That the modification is based in that the Debtor (s) wants to amend their plan in order to:

a. In order to comply with the disbursement schedules as well as the providing for surrender of secured property debt to First Bank.

3. Debtor (s) amend plan call one (1) payment of \$0.00, five (5) payments of \$935.00, one (1) payment of \$1,870.00, four (4) payments of \$935.00, one (1) payment of \$0.00, one (1) payment of \$2,035.00, one (1) payment of \$0.00, two (2) payment of \$1,100.00, one (1) payment of \$2,200.00, one (1) payment of \$0.00, six (6) payment of \$1,100.00, one (1) payment of 0.00, two (2) payment of \$1,100.00, one (1) payment of \$800.00, one (1) payment of \$1,100.00, one (1) payment of \$1,000.00, one (1) payment of \$2,200.00, two (2) payment of \$0.00, two (2) payments of \$700.00, one (1) payment of \$1,600.00, one (1) payment of \$600.00 and twenty three (23) payments of \$1,050.00 for a total base of \$58,370.00.00 dollars with a provision for the payment to paid in full to BBVA, account ending number-0310 and surrender collateral to First Bank.

4. Debtor (s) are still is interested in continuing with the bankruptcy procedures and proof if the amendment of the plan in order to comply with the disbursement schedules.

YURIEL ESTEBAN CROS VAZQUEZ
BETZABE MONTEJOS REYES
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DEBTOR'S MOTION UNDER SECTION 1329 OF THE BANKRUPTCY CODE

WHEREFORE, Debtor (s) respectfully request from this Honorable Court to accept this motion and grant debtor (s) the opportunity to modify the confirmed plan according to 11 US 1329 and provide any other remedy it may deem appropriate.

NOTICE

"Parties in interest are notified the have twenty one (21) days to reject a proposed modification of a plan and request a hearing. If no opposition is filed within the prescribed period of time, the Court will enter and order granting the motion upon the filing of a certificated of service by the movant that adequate notice was given. Should and apposition be timely filed. The Court will schedule the motion for a hearing as a contested matter. Absent good cause, untimely rejections shall be denied".

In San Juan, Puerto Rico, this 23 day of December 2010.

I HEREBY CERTIFY: That I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: Chapter 13 Trustee **Jose R. Carrión, Esq.**, US Trustee **Monsita Lecaroz Arribas** and to all those who in this case have registered for receipt of notice by electronic mail and I hereby certify that I have mailed by regular mail to all creditors listed on the attached Master Address List.

RESPECTFULLY SUBMITTED.

/s/ Marilyn Valdes Ortega
MARILYN VALDES ORTEGA

USDC PR 214711
P.O. Box 19559
San Juan, PR 00919-5596
Tel. (787) 758-4400
Fax. (787) 763-0144
E-mail valdeslaw@prtc.net

**United States Bankruptcy Court
District of Puerto Rico**

IN RE:

Case No. **07-07062 SEK**

CROS VAZQUEZ, YURIEL ESTEBAN & MONTEJOS REYES, BETZABE

Chapter **13**

Debtor(s)

AMENDED CHAPTER 13 PAYMENT PLAN

1. The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall make payments to the Trustee ☒ directly ☐ by payroll deductions as hereinafter provided in the PAYMENT PLAN SCHEDULE.
2. The Trustee shall distribute the funds so received as hereinafter provided in the DISBURSEMENT SCHEDULE.

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---------|---------------------|----------|----------|-----------|-----------|-----------|---------|---------|---------|----------|----------|----------|-----------|-----------|-----------|---------|---------|---------|----------|----------|----------|
| PLAN DATED: _____ <input type="checkbox"/> PRE <input type="checkbox"/> POST-CONFIRMATION | | <input checked="" type="checkbox"/> AMENDED PLAN DATED: 12/23/2010 Filed by: <input type="checkbox"/> Debtor <input type="checkbox"/> Trustee <input checked="" type="checkbox"/> Other | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| I. PAYMENT PLAN SCHEDULE <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:15%;">\$</td> <td style="width:15%; text-align: right;">0.00 x</td> <td style="width:15%; text-align: center;">1 = \$</td> <td style="width:15%; text-align: right;">0.00</td> <td style="width:15%;"></td> </tr> <tr> <td>\$</td> <td style="text-align: right;">935.00 x</td> <td style="text-align: center;">5 = \$</td> <td style="text-align: right;">4,675.00</td> <td></td> </tr> <tr> <td>\$</td> <td style="text-align: right;">1,870.00 x</td> <td style="text-align: center;">1 = \$</td> <td style="text-align: right;">1,870.00</td> <td></td> </tr> <tr> <td>\$</td> <td style="text-align: right;">935.00 x</td> <td style="text-align: center;">4 = \$</td> <td style="text-align: right;">3,740.00</td> <td></td> </tr> <tr> <td>\$</td> <td style="text-align: right;">0.00 x</td> <td style="text-align: center;">1 = \$</td> <td style="text-align: right;">0.00</td> <td></td> </tr> <tr> <td colspan="3">SEE NEXT PAGE</td> <td style="text-align: right;">= \$48,085.00</td> <td></td> </tr> <tr> <td colspan="3">TOTAL: \$</td> <td style="text-align: right;">58,370.00</td> <td></td> </tr> </table> <p>Additional Payments: \$ _____ to be paid as a LUMP SUM within _____ with proceeds to come from: _____</p> <p><input type="checkbox"/> Sale of Property identified as follows: _____</p> <p><input type="checkbox"/> Other: _____</p> <p>Periodic Payments to be made other than, and in addition to the above: \$ _____ x _____ = \$ _____</p> <p>PROPOSED BASE: \$ 58,370.00</p> | | \$ | 0.00 x | 1 = \$ | 0.00 | | \$ | 935.00 x | 5 = \$ | 4,675.00 | | \$ | 1,870.00 x | 1 = \$ | 1,870.00 | | \$ | 935.00 x | 4 = \$ | 3,740.00 | | \$ | 0.00 x | 1 = \$ | 0.00 | | SEE NEXT PAGE | | | = \$48,085.00 | | TOTAL: \$ | | | 58,370.00 | | II. DISBURSEMENT SCHEDULE A. ADEQUATE PROTECTION PAYMENTS OR \$ _____ B. SECURED CLAIMS: <input type="checkbox"/> Debtor represents no secured claims. <input checked="" type="checkbox"/> Creditors having secured claims will retain their liens and shall be paid as follows: 1. <input type="checkbox"/> Trustee pays secured ARREARS: <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;">Cr. _____</td> <td style="width:33%;">Cr. _____</td> <td style="width:33%;">Cr. _____</td> </tr> <tr> <td># _____</td> <td># _____</td> <td># _____</td> </tr> <tr> <td>\$ _____</td> <td>\$ _____</td> <td>\$ _____</td> </tr> </table> 2. <input checked="" type="checkbox"/> Trustee pays IN FULL Secured Claims: <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;">Cr. BBVA BANCO</td> <td style="width:33%;">Cr. _____</td> <td style="width:33%;">Cr. _____</td> </tr> <tr> <td># 9610610310</td> <td># _____</td> <td># _____</td> </tr> <tr> <td>\$ 22,623.16</td> <td>\$ _____</td> <td>\$ _____</td> </tr> </table> 3. <input type="checkbox"/> Trustee pays VALUE OF COLLATERAL: <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;">Cr. _____</td> <td style="width:33%;">Cr. _____</td> <td style="width:33%;">Cr. _____</td> </tr> <tr> <td># _____</td> <td># _____</td> <td># _____</td> </tr> <tr> <td>\$ _____</td> <td>\$ _____</td> <td>\$ _____</td> </tr> </table> 4. <input checked="" type="checkbox"/> Debtor SURRENDERS COLLATERAL to Lien Holder: FIRST BANK PUERT 5. <input type="checkbox"/> Other: _____ 6. <input type="checkbox"/> Debtor otherwise maintains regular payments directly to: _____ C. PRIORITIES: The Trustee shall pay priorities in accordance with the law. 11 U.S.C. § 507 and § 1322(a)(2) D. UNSECURED CLAIMS: Plan <input type="checkbox"/> Classifies <input checked="" type="checkbox"/> Does not Classify Claims. 1. (a) Class A: <input type="checkbox"/> Co-debtor Claims / <input type="checkbox"/> Other: _____ <input type="checkbox"/> Paid 100% / <input type="checkbox"/> Other: _____ <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;">Cr. _____</td> <td style="width:33%;">Cr. _____</td> <td style="width:33%;">Cr. _____</td> </tr> <tr> <td># _____</td> <td># _____</td> <td># _____</td> </tr> <tr> <td>\$ _____</td> <td>\$ _____</td> <td>\$ _____</td> </tr> </table> 2. Unsecured Claims otherwise receive PRO-RATA disbursements. OTHER PROVISIONS: (Executory contracts; payment of interest to unsecureds, etc.) See Continuation Sheet | | Cr. _____ | Cr. _____ | Cr. _____ | # _____ | # _____ | # _____ | \$ _____ | \$ _____ | \$ _____ | Cr. BBVA BANCO | Cr. _____ | Cr. _____ | # 9610610310 | # _____ | # _____ | \$ 22,623.16 | \$ _____ | \$ _____ | Cr. _____ | Cr. _____ | Cr. _____ | # _____ | # _____ | # _____ | \$ _____ | \$ _____ | \$ _____ | Cr. _____ | Cr. _____ | Cr. _____ | # _____ | # _____ | # _____ | \$ _____ | \$ _____ | \$ _____ |
| \$ | 0.00 x | 1 = \$ | 0.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| \$ | 935.00 x | 5 = \$ | 4,675.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| \$ | 1,870.00 x | 1 = \$ | 1,870.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| \$ | 935.00 x | 4 = \$ | 3,740.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| \$ | 0.00 x | 1 = \$ | 0.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| SEE NEXT PAGE | | | = \$48,085.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| TOTAL: \$ | | | 58,370.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| Cr. BBVA BANCO | Cr. _____ | Cr. _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| \$ 22,623.16 | \$ _____ | \$ _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| Cr. _____ | Cr. _____ | Cr. _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| \$ _____ | \$ _____ | \$ _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| III. ATTORNEY'S FEES (Treated as § 507 Priorities) Outstanding balance as per Rule 2016(b) Fee Disclosure Statement: \$ 2,800.00 ADDITIONAL FEES: \$350.00 BALANCE: \$3,150.00 Signed: <u>/s/ YURIEL ESTEBAN CROS VAZQUEZ</u> Debtor <u>/s/ BETZABE MONTEJOS REYES</u> Joint Debtor | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

Attorney for Debtor **Martín Valdes Ortega Law Offices**

Phone: **(787) 758-4400**

Debtor(s)

AMENDED CHAPTER 13 PAYMENT PLAN

Continuation Sheet - Page 1 of 2

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Executory Contracts - Assumed:

ELENA SOMEILLON

PAYMENT PLAN SCHEDULES CONT.

1 X 2,035.00 = \$ 2,035.00
1 X 0.00 = \$ 0.00
2 X 1,100.00 = \$ 2,200.00
1 X 2,200.00 = \$ 2,200.00
1 X 0.00 = \$ 0.00
6 X 1,100.00 = \$ 6,600.00
1 X 0.00 = \$ 0.00
2 X 1,100.00 = \$ 2,200.00
1 X 800.00 = \$ 800.00
1 X 1,100.00 = \$ 1,100.00
1 X 1,000.00 = \$ 1,000.00
1 X 2,200.00 = \$ 2,200.00
2 X 0.00 = \$ 0.00
2 X 700.00 = \$ 1,400.00
1 X 1,600.00 = \$ 1,600.00
1 X 600.00 = \$ 600.00
23 X 1,050.00 = \$24,150.00

TOTAL: = \$48,085.00

AMENDED CHAPTER 13 PAYMENT PLAN

Continuation Sheet - Page 2 of 2

TRUSTEE TO PAY ATTORNEY'S FEES BEFORE ANY SECURED OR PRIORITY CREDITOR.

DEBTOR SURRENDERED COLATERAL TO FIRST BANK.

ADEQUATE PROTECTION PAYMENT TO BBVA UNTIL CONFIRMATION \$100.00 TO BE PAID BY TRUSTEE MONTHLY.

INSURANCE TO BBVA AT MATURITY OF SALES CONTRACT THROUGH TRIPLE S NOW EASTERN AMERICAN IN THE APROXIMATE AMOUNT OF \$500.00

DEBTORS CONSENT TO LIFT OF STAY AUTO TO BBVA (LOAN #9607562262) IN POSESSION OF THIRD PARTY

FIRST BANK: PO BOX 13817 SAN JUAN, PR 00908-3817

BBVA: PO BOX 364745 SAN JUAN, PR 00936-4745

PRIOR TO SURRENDER THE VEHICLE TO FIRST BANK, THE TRUSTEE PAID THE SECURED AMOUNT OF \$14,012.87.

ANY POST PETITION TAX REFUNDS THAT MAY PROSPECTIVELY ARISE FROM ANY TAX REFUND FOR THE DURATION OF THE PLAN WILL BE USED TO FUND THE PLAN IN ORDER TO MAXIMIZE THE DISTRIBUTION TO GENERAL UNSECURED CREDITORS, AFTER ITS CONFIRMATION.

CROS VAZQUEZ YURIEL ESTEBAN
1604 CALLE INDO
URB EL CEREZAL
SAN JUAN PR 00926

DEPARTAMENTO DEL TRABAJO
AVE MUÑOZ RIVERA 505
HATO REY PR 00918

SEA WORLD
PO BOX 361986
SAN JUAN PR 00936-1986

MONTEJOS REYES BETZABE
1604 CALLE INDO
URB EL CEREZAL
SAN JUAN PR 00926

ELENA SOMEILLON GONZALEZ
URB EL PILAR
CALLE SAN THOMAS B-13
SAN JUAN PR 00926

US DEPARTMENT OF EDUCATION
DIRECT LOAN SERVICES
PO BOX 5609
GREENVILLE TX 75403-5609

MARILYN VALDES ORTEGA LAW OFFICES
PO BOX 195596
SAN JUAN PR 00919-5596

FEDERAL LITIGATION DEPT OF JUSTICE
PO BOX 9020192
SAN JUAN PR 00902-0192

AES/ USEFG ELT BONY
1200 N 7TH ST
HARRISBURG PA 17102

FIRST BANK PUERTO RICO
PO BOX 13817
SAN JUAN PR 00908-3817

AMERICAN EXPRESS
PO BOX 1270
NEWARK NJ 07101-1270

FIRST BANK PUERTO RICO
C/O FIA CARD SERVICES
PO BOX 15726
WILMINGTON DE 19886-5726

BANCO POPULAR DE PR
PO BOX 70100
SAN JUAN PR 00936-8100

FIRST STUDENT AID PROGRAM
PO BOX 4223
IOHWA CITY IA 52244

BANCO SANTANDER
PO BOX 362589
SAN JUAN PR 00936-2589

HSBC/ COSTCO
PO BOX 15521
WILMINGTON DE 19805

BBVA BANCO
PO BOX 364745
SAN JUAN PR 00936-4745

MONEY EXPRESS
PO BOX 11890
SAN JUAN PR 00922-1890

CITIFINANCIAL
1008 AVE AMERICO MIRANDA
REPARTO METROPOLITANO SC SUITE 24
RIO PIEDRAS PR 00921-2800

NELNET LOANS
PO BOX 17460
DENVER CO 80217

DEPARTAMENTO DE HACIENDA
PO BOX 9024140
OFICINA 424 B
SAN JUAN PR 00902

RHODE ISLAND STUDENT LOAN
560 JEFFERSON BV
WARWICK RI 02886